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| Notice of Allowability | Application No. | Applicant(s) | |
| | 10/806,970 | TAKAMI, TOMOHIDE | |
| | Examiner | Art Unit | |
| | Johnnie L Smith II | 2881 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed 03/23/2004.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ The drawings filed on 23 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>0323</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-4 are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art searched and cited failed to teach or fairly suggest a diffraction pattern intensity analysis method used to analyze intensity of visible light emitted from a diffraction pattern of a fluorescent screen as a result of reflection high-energy electron diffraction, having steps of: using a photoreceptor to measure the intensity of the diffraction pattern that appears on the fluorescent screen, via a halation-prevention filter with a transmittance which is minimum at a filter center and increases with distance from the filter center and based on a result of the measurement, obtaining a rate of decrease in the intensity of the visible light transmitted through the filter in combination with the remaining elements of claim 1. Claim 2 is allowable because of its dependency upon claim 1. The prior art searched and cited also failed to teach or fairly suggest a diffraction pattern intensity correction program for use with an image analysis device having a fluorescent screen for creating a diffraction pattern that results from reflection high-energy electron diffraction, a photoreceptor for optically acquiring the diffraction pattern that appears on the

fluorescent screen, and a halation-prevention filter for location along a light path connecting the fluorescent screen and the photoreceptor, in which a transmittance of the visible light transmitted through the filter is minimum at a center of the filter and increases with a distance from the center, the program having a measured intensity storage means, an intensity measurement means, and a corrected-intensity computation means in combination with the remaining elements of claim 3. Claim 4 is allowable because of its dependency upon claim 3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 6,320,648 (Brueck et al), 6,545,778 (Ono et al), 5,568,533 (Kumazaki et al), 5,191,464 (Hecht), and US patent publications 2003/0189179 (Leblans et al), 2001/0013959 (Long). All of the cited references contain art similar to that being claimed by applicant, more specifically, diffraction pattern intensity measurement devices and apparatuses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnnie L Smith II whose telephone number is 571-272-2481. The examiner can normally be reached on Monday-Thursday 7-4 P.M. and Alternate Fridays.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R Lee can be reached on 571-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JLSII

Johnnie L Smith II
Examiner
Art Unit 2881



JOHN R. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 100